

REMARKS

Applicant requests reconsideration and allowance of the subject patent application in light of the changes above and the remarks that follow. Claims 1, 4, 6, 7, 9-14, 16-25 and 27-36 are pending. By this Amendment, claims 1, 14, 23, 28, 31 and 34 have been amended to clarify the recited subject matter. Support for the changes to claims 1, 14, 23, 28, 31 and 34 may be found in the specification at, for example, FIGs. 3-5, and page 10, lines 8-17 of Applicant's specification.

Applicant traverses the rejection of claim 1 under Section 103(a) as allegedly not being patentable over U.S. Patent No. 6,628,310 to *Hiura et al.* ("*Hiura*") in view of U.S. Patent No. 6,957,395 to *Jobs et al.* ("*Jobs*").¹ The applied references cannot support a *prima facie* case for rejecting claim 1 under Section 103(a) because the references fail to disclose or suggest, at least, "removing ... and replacing [a] first GUI element with [a] corresponding, second GUI element," as recited in present claim 1.

The Examiner asserts that *Hiura*'s first window and second window correspond to the claimed "first window" and "second window." (Office Action, p. 3, *citing Hiura*, col. 2:1-15 and 30-37.) In addition, the Examiner apparently asserts that *Hiura* discloses the claimed "first GUI element," "first application," "second GUI element" and "second application." However, at least in the portions relied on, *Hiura* says nothing with regard to these features and the Examiner does not explain how the features are considered to be disclosed by *Hiura*.² As best the Office Action can be understood, it appears that the Examiner believes the windows disclosed by *Hiura* also correspond to the claimed "applications" and that the

¹ The Office Action contains statements characterizing the claims and related art. Regardless of whether any such statements are specifically addressed herein, Applicant's silence as to these characterizations should not be construed as acceptance of them.

² Applicant respectfully requests that, in any subsequent Office Action including rejection relying on *Hiura*, the Examiner expressly point out what features are believed to correspond to claimed "first GUI element," "first application," "second GUI element" and "second application."

content of these windows correspond to the claimed "GUI elements." Applicant respectfully disagrees.

In *Hiura*, the first window overlying another window can be turned-over to "unveil" the second window, enabling a user to "peek" at its content. (*Hiura* abstract.) If the shift key is pressed down when the first window is selected, the turning-over function swaps the first and second windows. (*Hiura* at FIG. 4B, step S117; col. 8:7-20.) In other words, a user may view and/or switch to a window that is displayed behind another window.

However, *Hiura*'s first and second windows and their respective content remain on a screen when the first window is "turned-over" to reveal the second window. (See, e.g., *Hiura* at FIG. 2.) When "turned-over," the content of the first window is neither "removed" nor "replaced" with the content of the second window. (*Id.*) Accordingly, *Hiura* cannot be considered to disclose or suggest "removing ... and replacing the first GUI element with the corresponding, second GUI element" (emphasis added), as recited in present claim 1. Indeed, "removing" the content of the first or second windows disclosed by *Hiura* would be contrary to the purpose stated in *Hiura*, which is to allow a user peek behind a window.

Furthermore, when the second window is "unveiled," the content revealed could be anything that is included in the second window. But there is no "correspondence" between the content of the first window and the content of the second window. Simply unveiling information cannot be considered "replacing" content with "corresponding" content. As such, *Hiura* does not disclose or suggest "replacing the first GUI element with the corresponding, second GUI element" (emphasis added), as recited in present claim 1, for this reason as well.

Jobs does not overcome *Hiura*'s deficiencies. The Examiner relies in *Jobs* for its purported disclosure of "detecting when the first application is active, user selection of the second window to make the second application active." (Office Action, p. 4.) However, *Jobs*

does not disclose or suggest the above-identified features of claim 1. Accordingly, when *Hiura* and *Jobs* are taken individually or in any proper combination, these patents cannot be considered to disclose or suggest the subject matter recited in Applicant's claim 1. *Hiura* and *Jobs*, therefore, cannot support a rejection of claim 1 under Section 103. Claim 1 is therefore allowable over *Hiura* and *Jobs*, and so are claims 4, 6, 7, 9-13 and 24 at least due to their dependence from claim 1.

Claims 14, 23, 28, 31 and 34, although of different scope than claim 1, recite subject matter similarly to that recited in claim 1. Thus, claims 14, 23, 28, 31 and 34 are allowable over *Hiura* and *Jobs* for similar reasons to those set forth above with regard to claim 1. Claims 16-22, 24,, 25, 27, 39, 30, 32, 33, 35 and 36 are allowable due to their corresponding dependence from claims 14, 23, 28, 31 and 34.

Conclusion

For the reasons set forth above, Applicant respectfully requests allowance of the pending claims.

If additional fees are required for any reason, please charge Deposit Account No. 02-4800 the necessary amount.

Respectfully submitted,

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Date: June 23, 2008

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